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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,502	07/23/2003	Larry R. Todd	10515	8090

7590 01/11/2005
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EXAMINER

ALAVI, ALI

ART UNIT PAPER NUMBER

2875

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,502

Applicant(s)

TODD, LARRY R.

Examiner

Ali Alavi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. No 5,606,309) in view of Wu (US Pat. No 5,349,346).

Regarding claim 1, Smith discloses an illuminated hazard warning light (10), having a substantially flat hollow triangular casing (12, fig. 1), a plurality of lights (24) housed within the hollow triangular casing, and a connection device (30, 40, fig. 2), electrically connecting the plurality of lights to an electrical power source (battery). Smith disclose the claimed invention except for a plurality of LEDs. However, Wu discloses a warning triangle including a plurality of LEDs. The use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of Smith. One would have been motivated since LEDs are recognized in the illumination art to have many desirable advantages, including reduced size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

Regarding claim 2, Smith further discloses that the substantially the triangular casing is formed of a clear flexible material (col. 2, line 32).

Regarding claim 3, Smith further discloses that the substantially flat hollow triangular casing is adhesive (col. 2, 38).

Regarding claim 5, Smith further discloses that the connection device is a switch (claim 40 acts as a switch) connecting the plurality of light emitting diodes to the electrical power source.

Regarding claim 6, Wu further suggests that the connecting device can be replaced by a car lighter adapter (col. 2, lines 37-38).

Regarding claim 11, Wu suggests that the plurality of light emitting diodes are electrically connected in parallel to the power source (fig. 3, col. 2, line 18) .

Regarding claim 12, Wu further suggests that the plurality of light emitting diodes are electrically connected in series with the power source (fig. 3, line 18).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. No 5,606,309) and Wu (US Pat. No 5,349,346) as applied above in claim 2, and further in view of Wilhoit et al (US H1935 H).

The combined references of Smith and Wu disclose the claimed invention as applied above in claim 2 except for the removable film layer disposed on the adhesive layer. Wilhoit teaches that these films are known in the form of release films applied to adhesive materials, such as removable protective layers for adhesive strips and the like. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a removable film layer on the adhesive layer of Smith device in order to protect the adhesive layer from premature adhesion from the surface and protecting the covered area from dust and contamination as taught by Wilhoit.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. No 5,606,309) and Wu (US Pat. No 5,349,346) as applied above in claim and further in view of Blank et al (US Pat. No 5,708,410) or Lemelson et al (US Pat. No 6,226,389).

Regarding claims 9-10, and 13-14 combined references of Smith and Wu meet the claimed invention as applied above in claim 1 except for a location tracking device (claim 9) and global positioning satellite (claim 10). Blank teaches that a stand-alone compass module or a global positioning satellite (GPS) may be mounted to the vehicle electronic system for display or navigation purposes (col. 7, lines 39-60). Lemelson teaches that the motor vehicle warning and control system may have a GPS system which in turn connected to hazard warning signal of the vehicle in order to inform the law enforcement and roadway safety personnel to precisely locate the vehicle in case of an emergency (col. 17, lines 59-67, col. 18, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a global positioning satellite to the vehicle electrical circuit of Smith as taught by Blank and Lemelson in order to notify the police to precisely locate the vehicle in case of an emergency situation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arie et al (US Pat. No 6,092,318), Grady, Jr. (US 2004/0046678), Tung (US Pat. No 6,275,149), Yeh (US Pat. No 5,651,636), Haerer (US Pat. No 6,535,117), all are cited of interest.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-2956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Alavi
Examiner
AU 2875